

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|-------------------------|---|-------------------|
| JEFFREY A. WEATHERWAX, |) | |
| |) | |
| Plaintiff, |) | 4:10CV3025 |
| |) | |
| v. |) | |
| |) | AMENDED |
| BNSF RAILWAY COMPANY, a |) | PROGRESSION ORDER |
| Delaware corporation, |) | |
| |) | |
| Defendant. |) | |

The parties participated in a telephone conference with the undersigned magistrate on January 5, 2011 to discuss plaintiff's unopposed motion to continue the trial (filing no. [44](#)) and the further progression of this case. Accordingly,

IT IS ORDERED :

- 1) Plaintiff's motion to continue the trial date (filing no. [44](#)) is granted.
- 2) The Final Progression Order (filing no. [12](#)) is amended as follows:
 - a) A jury trial is set to commence on January 30, 2012. No more than five days are allocated to the trial of the case and counsel shall plan accordingly. This case is subject to the prior trial of criminal cases and such other civil cases as may be scheduled for trial before this one.
 - b) The Pretrial Conference scheduled before the undersigned magistrate judge on January 19, 2012 at 11:00 a.m. will be conducted by WebEx conferencing. One-half hour is allocated to this conference. To facilitate this conferencing method, the parties' proposed Pretrial Conference Order and Exhibit List(s) must be emailed to zwart@ned.uscourts.gov, in either Word Perfect or Word format, by 5:00 p.m. on January 18, 2012. An email will be sent to counsel of record with the instructions and codes for participating in the pretrial conference by WebEx.

- c) The discovery and deposition deadline regarding the issue of liability is March 15, 2011. Motions to compel discovery regarding liability must be filed at least 15 days prior to the discovery and deposition deadline.
- d) In regard to the issue of liability, the deadline for filing motions to dismiss, motions for summary judgment or motions to exclude expert testimony on *Daubert* and related grounds is April 1, 2011.
- e) The discovery and deposition deadline regarding the issue of damages is November 18, 2011. Motions to compel discovery regarding damages must be filed at least 15 days prior to the discovery and deposition deadline.
- f) In regard to the issue of damages, the deadline for filing motions to dismiss, motions for summary judgment or motions to exclude expert testimony on *Daubert* and related grounds is December 2, 2011.

DATED this 5th day of January, 2011.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge